

House Bill 24
January 19, 2011
Presented by Bob Lane
House Natural Resources Committee

Mr. Chairman and committee members, I am Bob Lane, Chief Legal Counsel of Montana Department of Fish, Wildlife & Parks (FWP). I am here in support of House Bill 24.

HB24 would revise the Montana Water Use Act to allow a water right holder to set water aside for future mitigation of groundwater development primarily in closed basins. Presently, a water right application for groundwater use (normally for a subdivision) requires in most, if not all, circumstances an accompanying application to change another water right to a mitigation purpose in order to offset the impacts of the new groundwater use. The change application process is often difficult and time-consuming, leading to delays in permitting of new central water-supply systems. This may cause developers to opt for many small wells that are exempt from the permit process rather than installing a central water-supply system.

A water right holder who wishes to utilize the provisions of HB24 would still need to go through the change process. However, he/she could make that change in advance of the actual demand for mitigation water. Theoretically, a subsequent ground water appropriator could simply purchase water already available for mitigation.

FWP supports this legislation. It will not ensure that mitigation water will be readily available everywhere, but in certain circumstances it will allow a developer to gain access to mitigation water. FWP supports legislation and initiatives that allows ground water resources to be developed in a manner that does not impact surface water. HB24 does just that.